

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

FILED

JUN 27 2007

UNITED STATES OF AMERICA,

Plaintiff,

U.S. DISTRICT COURT
CLARKSBURG, WV 26301

v.

Criminal No. 1:03cr30

TODD VINCENT,

Defendant.

ORDER/OPINION

On the 27th day of June 2007, came the defendant, Todd Vincent, in person and by his counsel, Shawn Murphy, and also came the United States by its Assistant United States Attorney, Shawn Morgan, pursuant to Defendant's oral motion for release on bond pending preliminary and full hearing on a Petition for Warrant or Summons for Offender Under Supervision filed in this case on June 14, 2007. By Order dated June 19, 2007, Chief United States District Judge Irene M. Keeley ordered a warrant be issued. Judge Keeley further ordered that Defendant be detained upon his arrest, and specifically did not order his release on bond. The Court heard the sworn testimony of Defendant's witness, Patricia Vincent, and received and admitted into evidence Government's Exhibits 1 and 2. The Court also heard the arguments of counsel.

Title 18, United States Code § 3148 provides, in pertinent part:

If there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community. If the judicial officer finds that there are conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community, and that the person will abide by such conditions, the judicial officer shall treat the person in accordance with the provisions of section 3142 of this title and may amend the conditions of release accordingly.

The Petition in this matter does allege a Federal felony, a violation of 18 U.S.C. §§ 1341 and 1028A, while Defendant was on Supervised Release.

Based on the testimony, evidence, and argument at the hearing, and for reasons stated on the record, the Court finds Defendant has not met the burden of establishing the necessary requisites for release. The Court cannot envision any conditions of release that have not already been imposed by District Judge Keeley's order. The Court in particular cannot envision any conditions of release that would prevent the type of violation alleged against Defendant, that being mail fraud and aggravated identity theft, especially in light of Defendant's mother's testimony that the alleged crime, even if proved, was "so minor," and that "if he [Defendant] did one little thing like that to her [the alleged victim] she deserved it."

Therefore, for reasons apparent to the court and stated on the record, Defendant's motion to remain on bond pending further proceedings in this matter is **DENIED**. It is therefore

ORDERED that Defendant be and hereby is remanded to the custody of the United States Marshal pending further proceedings in this matter.

The clerk of the court is directed to send a copy of this order to counsel of record.

DATED: June *27*, 2007.


JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE